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AUG 13 1997

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
**U S WEST**

Cyndie Eby  
Executive Director-  
Federal Regulatory

### Ex Parte Presentation

August 13, 1997

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street N.W., Room 222  
Washington, D.C. 20554

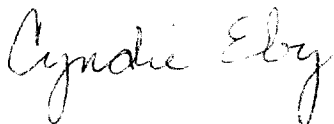
RE CC Docket 96-98/  
Implementation of Local Competition Provision of the  
Telecommunications Act of 1996

RE: CPD 97-24  
Request for Clarification of the Commission's Rules Regarding  
Interconnection Between LECs and Paging Carriers

Dear Mr. Caton:

Attached hereto are copies of a letter that was delivered today to Regina Keeney, Chief of the Common Carrier Bureau, concerning the above-referenced proceeding. In accordance with Commission Rule 1.1206(a)(1), two copies of the letter are being served upon you for inclusion in the public record. Acknowledgment and date of receipt are requested. A copy of this transmittal letter is provided for this purpose. Please contact me if you have questions.

Sincerely,



Attachments

cc: Regina Keeney  
Richard S. Becker  
A. Richard Metzger  
Dan Phythyon

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U S WEST, Inc.  
1801 California Street, Suite 5100  
Denver, Colorado 80202  
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Facsimile 303 296-4576

Richard A. Karre  
Senior Attorney

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
**USWEST**

August 13, 1997

Ms. Regina Keeney  
Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554

RE: CPD 97-24

Dear Ms. Keeney:

In its Comments in this proceeding, U S WEST Communications observed that providing "free" dedicated transport facilities to paging providers would encourage them to "gold plate" their systems and to expand the reach of their systems, at the expense of the LECs and LEC ratepayers.<sup>1</sup> Though some paging providers scoff at the notion,<sup>2</sup> these are real phenomena.

In Arizona, U S WEST Communications provides more than 100 dedicated interoffice trunks to TSR Paging. Over 60 of these trunks exceed 50 miles in length, and 19 of them are over 100 miles long; the longest are over 160 miles. Combined, these trunks total over 6,700 circuit miles, an average of more than 60 miles per trunk. Using these dedicated interoffice trunks, TSR Paging greatly extends the reach of its system. It believes U S WEST Communications should provide these circuits at no cost to TSR Paging.

Several months ago, TSR Paging notified U S WEST Communications that it was relocating its paging terminal in Phoenix, thus giving rise to a need "to relocate all of our T1 circuits and most of our other communications lines."<sup>3</sup> It requested "minimum service" including "DS3 fiber optic service (sonet ring preferred) and 200 pr of copper." TSR Paging has subsequently made clear its belief that U S WEST Communications must install these facilities at no cost to TSR Paging. U S WEST Communications' refusal to absorb the significant expense – nearly \$300,000 – of installing the facilities requested by TSR Paging is a large part of the "outrageous conduct" complained of in the "Supplemental Comments" submitted by TSR Paging.<sup>4</sup> U S WEST Communications

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<sup>1</sup> Comments of U S WEST, Inc., at 4-5.

<sup>2</sup> Reply Comments of Arch Communications Group, at 14-15.

<sup>3</sup> TSR Paging's letter to U S WEST Communications is attached as Exhibit 1.

<sup>4</sup> Supplemental Comments of TSR Paging, at 3. TSR Paging also complains of U S WEST Communications' temporary refusal to provision several business lines (*Id.*, at 2, n.2). That was the result

continues to discuss alternatives with TSR Paging in an effort to find a more economical way of accommodating its relocation.

This and similar incidents<sup>5</sup> amply demonstrate the folly of applying the Commission's reciprocal compensation rules to LEC-paging interconnection, particularly as the paging providers interpret those rules. TSR Paging takes the position that it can dictate to U S WEST Communications the type and size of facilities that U S WEST Communications must place to serve TSR Paging, that U S WEST Communications must bear the entire cost of providing those facilities (and the cost of relocating them at TSR Paging's whim), and that U S WEST Communications must then pay reciprocal compensation to TSR Paging for "terminating" traffic on its system.<sup>6</sup> We are aware of no other situation in which one private party has unbridled power to direct a second private party to build facilities at the second party's sole expense. Yet that is what the paging providers seek.

Throughout this proceeding, U S WEST has taken the position that the Commission should undertake to craft interconnection rules specifically tailored to the needs of LEC-paging interconnection. The events described above demonstrate the correctness of that position. The rules generally applicable to LEC-CMRS interconnection simply make no sense in this context.

Do not hesitate to contact us if we can supply additional information.

Yours truly,



cc: Richard S. Becker  
A. Richard Metzger  
Dan Phythyon

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of a misunderstanding by U S WEST Communications' service center, which handles service requests by paging providers. When counsel learned of the problem, we corrected it and so notified TSR Paging.

<sup>5</sup> U S WEST Communications encountered a similar situation in Denver with AT&T Wireless, which is also moving its paging terminal, and believes U S WEST Communications must pay the cost of relocating necessary transport facilities. AT&T has paid the nonrecurring charges associated with the move under protest.

<sup>6</sup> Comments of TSR Paging, at 7-8, n. 9. As several LECs demonstrated in their comments in this proceeding, paging providers do not truly terminate LEC-originated traffic. See, e.g., Reply Comments of U S WEST, at 2-3.



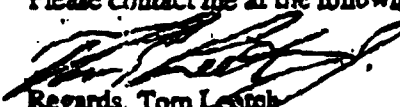
May 7, 1997

US West Communications  
Attn: Lorrain Ortega

We are in the process of building a telecommunications switching center, located in the Phoenix area. If we can find a suitable location in the area we will need to relocate all of our T1 circuits and most of our other communication lines from our current office at 930 W. Broadway, Suite 14 in Tempe AZ. We have found one potential location at 3336 West Flower St, Suite 512, Phoenix, Arizona.

Could US West provide us in detail the available resources, to include any installation and timelines for minimum service consisting of 1ea DS3 fiber optic service (woven ring preferred) and 200 pr or copper. Could you also provide the local Central Office name and mileage to our proposed new facility.

Please contact me at the following numbers for any more information needed.

  
Regards, Tom Lestak  
Regional Engineer, TSR Paging  
602-210-7243 (Voice Mail)